

### REMARKS

Claims 1-41 are currently pending in the subject application and are presently under consideration.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1-41 Under 35 U.S.C. §102(e)**

Claims 1-41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Anderson *et al.* (US Patent 6,684,250). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Anderson *et al.* does not teach each and every element of applicants' invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). **The identical invention must be shown in as complete detail as is contained in the ... claim.** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to determining the geographic location of Internet hosts. The location of an Internet host is determined by way of a data store and location codes extracted from router labels associated with nodes along the path from a computer system to the Internet host. The location may be selectively corrected, for example, if a time delay of a transmission from a computer to the internet host is greater than a threshold indicating that the Internet host and intermediate node are not geographically close. In particular, independent claim 1 (and similarly recited in independent claims 7-11) recites *a network path between a host IP address associated with the Internet host and the computer system, wherein the network path comprises the computer system, the Internet host, and at least one intermediate network node...determining a delay time associated with a transmission from the computer system to receipt of the transmission at the Internet host along the network path; and selectively correcting the location estimate according to the delay time associated with the network path.*

Anderson *et al.* does not teach or suggest the aforementioned novel aspects of applicants' invention as recited in the subject claims. The cited art primarily employs host location information stored with databases along with partial and full string analysis, traceroute information, and number of hops in traceroutes to estimate the location of a host. However, contrary to assertions in the Office Action, Anderson *et al.* fails to teach transmission time delay measurements from the host to a computer system to correct location estimates. The section of the cited art referenced in the Office Action points to a single sentence where Anderson *et al.* makes a casual reference to latency calculations. Anderson *et al.* provides no further details as to what these latency calculations are and how they are used anywhere in the specification or drawings. Specifically, there is no mention or suggestion of a transmission time delay measurement from the host to a computer system along a *network path that includes at least one intermediate node*. The Office Action in the Response to Arguments section cites a segment of the prior art that discusses tiered geographic location estimation. This section merely discloses that the several possible methods of location estimation may be employed such that each method will be employed successively until a method does not fail. Applicants' claimed invention produces an initial location estimate and then selectively corrects this estimate based upon the transmission delay time measurement along the network path. The cited art does not disclose this selective correction mechanism. Therefore, it is clear that Anderson *et al.* fails to teach or suggest determining a delay time associated with a transmission from the computer system to receipt of the transmission at the Internet host along the network path; and selectively correcting the location estimate according to the delay time associated with the network path.

Moreover, independent claim 12 (and similarly independent claims 23-26) recites *measuring a first delay time relating to a transmission from the first computer system to receipt of the transmission at the Internet host along a first network path between a host IP address associated with the Internet host and the first computer system; measuring a second delay time ... a second network path between the host IP address and the second computer system; measuring a third delay time ... along a third network path between the host IP address and the third computer system, **at least one of the first, second, and third network paths containing at least one intermediate node**; correlating the first, second, and third delay times; and providing a location estimate of the location of the Internet host according to the correlation of the first, second, and third delay times*. As discussed above, Anderson *et al.* makes a casual reference to

latency calculations without providing any details as to what the latency calculations are based upon and how they are used. Specifically, the cited art is silent regarding measuring a delay time relating to a transmission from the computer system to receipt of the transmission at the Internet host along a network path *that includes at least one intermediate host*.

Furthermore, independent claim 27 (and similarly independent claims 38-41) recites *clustering together IP addresses corresponding to hosts in the same geographic location according to network routing information to obtain cluster information; ... **computing a dispersion metric representative of the accuracy of the location estimate of the location of the Internet host***. Contrary to assertions in the Office Action, Anderson *et al.* also fails to teach or suggest this aspect. Applicants' claimed invention can compute a dispersion metric of the statistical variability of locations represented by the cluster of IP addresses to represent the accuracy of the location estimate of the host. The section of Anderson *et al.* cited in the Office Action refers to an algorithm that locates the upper and lower bounds of a range of IP addresses within a block of IP addresses that share some common information. This algorithm computes upper and lower bounds, not a dispersion metric. A dispersion metric is a measure of statistical variability of members of a population. Accordingly, Anderson *et al.* fails to teach or suggest computing a dispersion metric representative of the accuracy of the location estimate of the location of the Internet host. The sections of prior art cited in the Office Action Response to Arguments section makes a general statement regarding metrics and statistical methodologies and providing a set of associated probabilities that indicate the accuracy of the location. This section describes a probability estimate of the accuracy of the location, not a dispersion metric describing the variability of members of a population. Anderson *et al.* is silent regarding a dispersion metric. Therefore, the cited art fails to teach or suggest computing a dispersion metric representative of the accuracy of the location estimate of the location of the Internet host.

In view of at least the foregoing, applicants' representative respectfully submits that Anderson *et al.* fails to teach or suggest all elements of applicants' invention as recited in independent claims 1, 7-12, 23-27 and 38-41 (and claims 2-6, 13-22 and 28-37 that depend there from), and thus fails to anticipate the claimed invention. Therefore, this rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP189USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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